

**David C. Smith v. Experian Information Solutions, Inc., et al.** – 3:12CV005

Settlement Conference: June 22, 2012 – 9:30 a.m.

**SETTLEMENT CONFERENCE MEMORANDUM**

The parties are requested to do the following in regard to any scheduled settlement conference with Judge Novak:

1. Submit a brief memorandum directly to the Court's chambers (do not file in clerk's office) **NO LATER THAN FIVE (5) BUSINESS DAYS** before the scheduled settlement conference;
2. The memorandum will be considered and maintained on a confidential basis and will be destroyed upon conclusion of the conference, regardless of outcome;
3. The memorandum should address the following topics:
  - a. An objective overview of the basic allegations and relevant facts;
  - b. A realistic assessment of the strengths and weaknesses of each party's position;
  - c. A summary of settlement discussions to date; and
  - d. A statement of settlement expectations (to include proposed settlement offer(s)).

The memoranda will not be exchanged (or its contents discussed) with opposing parties or counsel by the Court without prior permission. The conference will commence with all parties and counsel meeting with the Court who will explain its role and intended procedure. The Court will emphasize in its introductory remarks that its role is that of "facilitator"; the reason why the process is to be encouraged, i.e., less costly and, many times, more meaningful to the parties; the need to be totally objective; and the Court's preferred procedure of excusing the parties after the introductory stage in order to confer with all counsel to confirm the Court's understanding of the

issues and to prioritize them if possible; and the fact that the Court will thereafter meet with the parties and/or counsel individually until such a time as group discussion is deemed necessary and appropriate.

Counsel are requested to have their respective client(s) present, which is especially helpful in situations such as Title VII cases when face-to-face discussion is more conducive to possible settlement. The Court will be prepared to reduce to memorandum form at the conclusion of the Conference the basic terms of any agreement as such may assist counsel (or the individual parties) in finalizing resolution. The Court will also schedule additional sessions or status calls, by telephone conference or otherwise, if deemed helpful in pursuing and/or effectuating final resolution.

If the matter is not settled, the Court will return the court file (without settlement memoranda or related materials) to the designated trial Judge with only the indication that the matter was not resolved.